

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ERNEST J. BAILEY, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ANNA BELLE LEADINGHAM,

Respondent-Appellant,

and

BRIAN LEADINGHAM,

Respondent.

UNPUBLISHED

August 4, 2005

No. 259526

Allegan Circuit Court

Family Division

LC No. 04-035765-NA

Before: Zahra, P.J., and Gage and Murray, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(b)(ii), (g), (i), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

First, we note respondent-appellant's contention that the evidence was not sufficient for the court to assume jurisdiction. Our review of the evidence shows that all the grounds alleged in the petition were proven by a preponderance of the legally admissible evidence.¹ Therefore, the trial court did not err when it found sufficient evidence to assume jurisdiction. MCR 3.972(C)(1); *In re CR*, 250 Mich App 185, 200; 646 NW2d 506 (2002).

¹ Because termination was sought in the initial petition, the standard of proof at the adjudicative portion of the hearing was a preponderance of the evidence. *In re Snyder*, 223 Mich App 85, 89; 566 NW2d 18 (1997). However, with respect to termination, once jurisdiction is established, the standard of proof is clear and convincing evidence. *Id.*

The trial court also did not err in finding that statutory grounds for termination had been established by clear and convincing evidence. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Gazella*, 264 Mich App 668, 672; 692 NW2d 708 (2005). The evidence established that an older sibling of the minor child at issue suffered sexual abuse by her father.² In addition, respondent-appellant's parental rights were terminated because she pleaded guilty to being an accessory after the fact to the abuse, and served time in prison for the conviction. Respondent-appellant was still legally married to the man who had sexually abused the older sibling. She remained in the same domestic violence situation with the putative father of the minor child, even after her former caseworkers urged her to leave. She failed to complete services that had been offered to her, she admitted that she used cocaine and abused alcohol during her pregnancy, and had thoughts of self-harm and harming her boyfriend. She had no income. She was still exhibiting the same behaviors that caused her to lose parental rights to the minor child's sibling and admitted that she would need a support system from the State in order to properly parent this child. Accordingly, more than one statutory ground alleged in the petition was proven by clear and convincing evidence, and the trial court did not clearly err in terminating respondent-appellant's parental rights.

Finally, the trial court did not clearly err in determining that termination of respondent-appellant's parental rights was in the best interests of the minor child. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353, 356-357; 612 NW2d 407 (2000). The record did not contain any evidence to show that termination of respondent-appellant's parental rights to the minor child would not be in his best interests.

Affirmed.

/s/ Brian K. Zahra
/s/ Hilda R. Gage
/s/ Christopher M. Murray

² The older sibling has a different biological father than the minor child in the instant case.